

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WILLIAM E. DUGAN, et al.,** )  
Plaintiffs, )  
v. )  
**NAPERVILLE EXCAVATING CO., an** ) **Case No. 08 C 2464**  
**Illinois corporation,** ) **Judge George M. Marovich**  
**Defendant.** ) **Magistrate Judge Geraldine Soat Brown**

**DEFENDANT'S MOTION FOR EXTENSION  
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant NAPERVILLE EXCAVATING CO., by its attorneys, moves for an extension of time to June 20, 2008 to answer or otherwise plead. In support of this Motion, Defendant states as follows:

1. The Complaint in this case seeks a further audit of Defendant's books and records pursuant to the Employee Retirement Income Security Act ("ERISA").
2. Defendant was personally served with the Complaint on May 7, 2008. Defendant's responsive pleading to the Complaint is therefore due on May 27, 2008.
3. The parties have commenced discussions on a resolution of the issues involved herein.
4. Plaintiffs' legal counsel has no objection to extending the time for Defendant to answer or otherwise plead while the parties seek an amicable resolution of the issues involved herein.

WHEREFORE, Defendant Naperville Excavating Co. respectfully requests that the Court extend the time for Defendant to answer or otherwise plead to June 20, 2008.

Respectfully submitted,

NAPERVILLE EXCAVATING CO.

By: /s/ Steven H. Adelman  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2008, I electronically filed the foregoing  
DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE  
PLEAD with the Clerk of the Court using the CM/ECF system which sent notification of such  
filing to the following:

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/s/ Steven H. Adelman